

A public hearing by the Public Safety & Regulatory Services Committee is scheduled for Wednesday, April 10, 2002 at 1:30 p.m. in Room 317 City Hall, Minneapolis, MN.

For further information about this document, contact Assistant City Attorney Carol Lansing at 612-673-2554.

**Proposed Ordinance
By Schiff**

**Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances
relating to Licenses and Business Regulations: In General.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 259.240 of the above-entitled ordinance be amended to read as follows:

259.240. Control of shopping carts. (a) Control of shopping carts. Each business or other entity which is licensed to do business under the provisions of this Code, which provides wheeled shopping carts to its customers for their use and which permits the removal of those shopping carts from their building(s) or other enclosed area or acquiesces in the removal of those shopping carts from their building(s) or other enclosed area shall, as a condition of their license, have the following general responsibilities to the licensor:

- (1) To control such shopping carts when outside a building or other enclosed area but on the licensee's property or common areas shared by the licensee so they do not become a hazard to traffic or a nuisance to the public generally.
- (2) To label such carts with the name and address of their business.
- (3) To make reasonable efforts to provide for the timely return of such shopping carts to their premises.

Nothing in this section shall create a legal duty to anyone but the licensor.

- (b) Specific duties to pick up shopping carts. Each business or other entity which is licensed to do business under the provisions of this Code, which provides wheeled shopping carts to its customers for their use, permits such shopping carts to be removed from its building(s) or other enclosed area or acquiesces in such removal from its building(s) or other enclosed area ~~and which has more than forty (40) shopping carts on its premises for use by customers on a regular basis~~ and which has failed to comply with its responsibilities pursuant to paragraph (a) as determined by the director of licenses shall, in addition to the responsibilities provided in paragraph (a) have the following additional responsibilities:

- ~~(1)~~ — ~~To search the area within a one-half (1/2) mile radius of its premises every day and to pick up each wheeled shopping cart owned by it and return such shopping cart to its premises or other secured location controlled by the licensee. The licensee is not required to enter private property to fulfill this responsibility;~~
- ~~(2)~~(1) To prepare and ~~keep on file at each store with the department of licenses and consumer services~~ a written plan to control shopping carts. This plan shall detail all reasonable and necessary steps to control shopping carts which have been removed from its building(s) and other enclosed area by customers with the permission and/or acquiescence of the licensee and which have then left the property of the licensee. The director, or the director's designee, ~~may examine the plan during regular business hours upon request by the director, or the director's designee, and shall~~ review it the plan to determine if it is sufficient to meet the goals of this section. If in the judgment of the director or the director's designee, the plan is sufficient to meet the goals of this section, the plan shall be approved by the director or the director's designee. If the plan is not sufficient to meet the goals of this section, the plan shall be revised by the licensee until it obtains the approval of the director or the director's designee. Each licensee shall comply with its approved cart control plan. If the director, or the director's designee, determines that a cart control plan which has been approved is not adequate or determines that the licensee is not in compliance with its approved plan, the director, or the director's designee, may require the licensee to submit a new plan or state in writing the steps that will be taken to fully comply with the existing plan;
- (2) The cart control plan shall include a commitment to search the area within one-half (1/2) mile radius of the business premises every day to pick up each wheeled shopping cart owned by the business and return it to the business premises or other secured location controlled by the licensee. The licensee is not required to enter private property to fulfill this responsibility. The area required to be searched and the number of daily searches to be conducted may be increased, as determined by the director, or the director's designee, in order to meet the goals of this section.
- (c) Requirement for businesses near light rail transit stations. All licensed businesses located within a one-half (1/2) mile radius of a light rail transit station shall be required to provide a method to prevent shopping carts from leaving the building(s), except when under the control of the business' personnel, or provide an automatic locking device to prevent shopping carts from being removed from the business property.
- ~~(e)~~(d) Enforcement. Failure to comply with any of the provisions of this section may subject a license holder, ~~after notice and hearing, to a monetary penalty to a citation, administrative penalty,~~ or in extenuating circumstances, license

revocation, suspension or non-renewal in accordance with the procedures established by the city council.